

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

HARVEY STEVEN CALE,

Case No. 2:19-cv-00205-JE

Petitioner,

ORDER

v.

BRAD CAIN,

Respondent.

JELDERKS, Magistrate Judge.

On July 13, 2020, the Court appointed counsel to represent Petitioner in this 28 U.S.C. § 2254 habeas corpus case. Despite the presence of appointed counsel, Petitioner filed two *pro se* Motions (#54 & #55) last month in which he asks the Court to dismiss this case without prejudice to his right to refile the action when his ongoing state post-conviction proceedings conclude. Respondent did not respond to those Motions.

On May 16, 2022, Petitioner's appointed attorney filed an unopposed Motion asking the Court to stay this case during the pendency of his post-conviction proceedings. The Motion to Stay

does not address the pending *pro se* Motions to Dismiss, but supersedes those requests even though counsel did not file the Motions to Dismiss.¹ The *pro se* Motions to Dismiss are therefore denied, and Petitioner's unopposed Motion to Stay is granted.

CONCLUSION

Petitioner's *pro se* Motions to Dismiss (#54 & #55) are denied. Petitioner's unopposed Motion to Stay (#56) is granted. Counsel for Petitioner shall file status reports with the Court every three months until the stay is lifted.

IT IS SO ORDERED.

5/23/22

s/ John Jelderks

DATE

John Jelderks
United States Magistrate Judge

¹ In addition, Local Rule 83-9(b) generally prohibits represented parties from filing *pro se* documents with the Court.